United Nations S/PV.5297

Security Council

Sixtieth year

Provisional

5297th meeting

Monday, 31 October 2005, 10 a.m.

New York

President:	Mr. Ungureanu	(Romania)
Members:	Algeria	Mr. Bedjaoui
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Amorim
	China	Mr. Li Zhaoxing
	Denmark	Mr. Moeller
	France	Mr. Douste-Blazy
	Greece	Mr. Molyviatis
	Japan	Mr. Oshima
	Philippines	Mr. Romulo
	Russian Federation	Mr. Lavrov
	United Kingdom of Great Britain and Northern Ireland	Mr. Straw
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Ms. Rice

Agenda

The situation in the Middle East

Letter dated 20 October 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/662)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

05-57920 (E)

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 20 October 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/662)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boutros Assaker, Acting Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

At the invitation of the President, Mr. Assaker (Lebanon) took a seat at the Council table.

The President: On behalf of the Council, I extend a warm welcome to the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Farouk Al-Shara', and invite him to take a seat at the Council table.

At the invitation of the President, Mr. Al-Shara' (Syrian Arab Republic) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/662, which contains a letter dated 20 October 2005 from the Secretary-General transmitting the report of the United Nations International Independent Investigation Commission.

Members of the Council also hav
document S/2005/684, which contains
draft resolution submitted by Franc
Kingdom of Great Britain and Northern
United States of America.

At this time, language versions
resolution are not available owing to
computer malfunction. Language ver
provided as soon as this problem has bee

I should like to draw the attenti
members to document S/2005/651, wh
letter dated 14 October 2005 from the re
Lebanon addressed to the Secretary-Gen

I welcome the presence of the Sec
Mr. Kofi Annan, at this meeting.

It is my understanding that the C
to proceed to the vote on the draft resol
hear any objection, I shall put the draf
the vote now.

There being no objection, it is so de

A vote was taken by show of hands.

In favour:

Algeria, Argentina, Benin, B
Denmark, France, Greece, Japan
Romania, Russian Federation, Un
of Great Britain and Northern I
Republic of Tanzania, United States

The President: There were 15 vo
The draft resolution has been adopted u
resolution 1636 (2005).

I shall now give the floor to m
Council wishing to make statements
voting.

I invite Mr. Philippe Douste-Blazy
Foreign Affairs of France, to take the flo

Mr. Douste-Blazy (France) (*spok*
On 14 February 2005, former Lebanese P
Rafik Hariri and 22 others were assa
cowardly terrorist attack in the heart
have solemnly gathered here today to
resolve to seek the truth and to punish
this heinous act.

At the outset, on behalf of the G
the people of France, I wish to pay

memory of Rafik Hariri. He embodied Lebanon's enduring wish for independence, democracy and freedom — a wholly legitimate wish that France, linked to that country by so many ties, has consistently supported and encouraged.

The Lebanese people were deeply shocked by this tragedy, which occurred at a time when Lebanon was gradually recovering its sovereignty and regaining control of its destiny. The Lebanese people, along with the rest of the international community, demanded to know the full truth about this political assassination, so that justice would be done and, in particular, so that an end would be put to impunity.

The Security Council heeded that call. By deciding unanimously last spring to establish an International Independent Investigation Commission, it restored hope to an entire people. The Commission, led by Judge Detlev Mehlis, has done remarkable work under very difficult circumstances. It submitted its report to the Security Council 10 days ago.

Its findings, after several months of thorough and rigorous investigation, are extremely serious. I will recall its two main points. First, there is converging evidence of involvement by Lebanese and Syrian officials in this terrorist act. Secondly, Syria has not cooperated in good faith with the Commission, and it must clarify many of the unresolved questions.

The Security Council could not remain silent in the face of such findings. France, along with the United States and the United Kingdom, therefore proposed a firm resolution responding to the report by the Independent Investigation Commission.

I am pleased that the Security Council was able to reach an agreement on this text quickly. It has only one aim: the truth, the whole truth, about Rafik Hariri's assassination, so that those responsible for it, whoever and wherever they may be, answer for their crime.

By adopting this resolution unanimously today, the Council is sending a threefold message. First — and France deems this essential — it sends a message of solidarity with the Lebanese people and Government, which have shown unwavering courage and determination these past months. We are also sending an important message of support to the International Independent Investigation Commission and to its Head, who must be able to continue their work, alongside Lebanon's judicial officials, under the best possible circumstances. Lastly, the Council makes a clear, firm and urgent appeal to Syria. The Syrian authorities must cooperate fully with the Commission so that light can be shed as quickly as possible on the attack that took the life of Rafik Hariri.

The resolution has been adopted unanimously. Syria's leaders must understand that the Security Council, and, through it, the international community as a whole will tolerate nothing less than immediate and complete cooperation and that it will respond accordingly to any failure by the Syrian authorities to meet their obligations.

More than eight months have passed since the cowardly and tragic assassination of Rafik Hariri and 22 other innocent people. Despite continuing attacks and attempts at destabilization, Lebanon has stood firm. The legislative elections held in June took place in freedom and transparency. The new Government, led by Mr. Fouad Siniora, is working and moving forward. The Lebanese people, in this difficult period, have shown that they are taking charge of their own destiny. They will neither weaken nor yield in the face of terrorism.

It is the duty of the international community to help Lebanon at this crucial time in its history. Resolutely continuing the inquiry into the 14 February terrorist attack, revealing the truth and punishing the guilty are essential to strengthen Lebanon's sovereignty and stability.

My country is convinced that the resolution we have unanimously adopted today will contribute to that end.

The President: I now invite His Excellency the Right Honourable Jack Straw, MD, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, to take the floor.

Mr. Straw (United Kingdom): I am grateful to all my colleagues here for their unanimous vote in favour of resolution 1636 (2005). By its unanimity and by the firm language of the resolution, we are, I believe, sending out a very strong message to the Government of Syria and to elements in Lebanon about the need for them to cooperate fully with the investigation conducted by Prosecutor Mehlis.

Lebanon has seen all too much violence in its history — too much bloodshed. Even so, the

assassination of former Prime Minister Rafik Hariri on 14 February was profoundly shocking to the people of Lebanon and to the whole of the international community. It seemed to suggest that there were people — and maybe countries — who were ready to resolve political difficulties by resort to the mediaeval practice of political assassination. The United Nations would be seriously and significantly undermined if we were to turn a blind eye to such activities, which is why the unanimous decision taken today is so important.

I would like to congratulate Commissioner Mehlis and his team for their detailed, thorough and courageous work to investigate this horrendous crime. Let it be remembered that not only did former Prime Minister Rafik Hariri perish when the huge explosion took place, but at least 20 other people were killed and many, many more were injured.

The evidence accumulated in the Mehlis report (S/2005/662) is both serious and disturbing. The International Independent Investigation Commission rightly recognizes, in paragraph 21 of the report, that until we know the complete story of what happened in Beirut in February the presumption of innocence should stand. Having studied the report carefully, however, it is difficult not to endorse its conclusion that there is converging evidence pointing at both Lebanese and Syrian official involvement in this terrorist act. Indeed, in paragraph 124, Commissioner Mehlis says:

> "There is probable cause to believe that the decision to assassinate former Prime Minister Rafik Hariri could not have been taken without the approval of top-ranked Syrian security officials and could not have been further organized without the collusion of their counterparts in the Lebanese security services."

Let us be clear. The Security Council has only one interest here — the same interest as the Lebanese Government and people — to see justice done. The report takes us part of the way towards that objective, but the Commission itself acknowledges that it has yet to get to the bottom of who was responsible for the murder. That is despite the exemplary cooperation from the Lebanese authorities, who in their own way have acted resolutely and bravely in arresting a number of suspects identified by the Commission. But for the Commission to stand any chance of completing its task satisfactorily, it needs two things: first, more time to finalize its investigation; and, secondly, the full and unconditional cooperation of Syria. In adopting this resolution today, we have been united in committing ourselves, under Chapter VII of the Charter, to ensuring that both of those requirements are met. The resolution gives the Commission more time and it allows a further extension, beyond 15 December, if the Commission or the Lebanese Government judge it to be necessary.

The resolution also requires full Syrian cooperation. It is clear from the Commission's report that this has not been forthcoming so far. Indeed, if anything — again, as is very clear from the report — the Syrian Government appears to have attempted to mislead Prosecutor Mehlis and his team. That grudging and evasive attitude has to change. I hope and believe that in adopting this resolution we are today sending a strong and unequivocal message to that effect.

We are also, correctly, putting the Government of Syria on notice that our patience has limits. Failure to cooperate fully and now will oblige us to consider further actions to ensure that the Security Council, through the Commission, can play its part in the Lebanese Government's determination to see justice done. We must not let the Lebanese people down. As Prosecutor Mehlis points out, many still live in fear of a return of Syrian interference and control. Turning our backs on the crime, because it appears politically difficult to solve, will not only lead the Lebanese people to lose faith in this body, it will undermine the Council's credibility and authority and damage our enforcement of the international rule of law.

The people of Lebanon have become all too well acquainted with grief. We owe them a better future, and this resolution is one way of providing them with that better future.

The President: I invite Her Excellency Ms. Condoleezza Rice, Secretary of State of the United States of America, to take the floor.

Ms. Rice (United States of America): By passing resolution 1636 (2005) this morning, we in the United Nations have declared our support for the Commission's search for truth, which is being ably led by Mr. Detlev Mehlis. We have also affirmed our just demands on the Syrian Government and made it clear that failure to comply with these demands will lead to serious consequences from the international

community. There is a close link between these two actions.

For the past 30 years, Syria's occupation of Lebanon penetrated all aspects of its society. Beginning last year, however, Syria's interference became so corrupt and unbearable that it began to galvanize opposition against itself, both within Lebanon and among the international community. Late last August, the Syrian Government dictated the extension of Lebanese President Emile Lahoud's term of office. In response, the international community acted — though some on the Security Council did not want our action to single out Syria by name. Hence, in resolution 1559 (2004) the Council called for the withdrawal of all foreign forces from Lebanon and summoned all States to respect Lebanese sovereignty.

When the Syrian Government met none of those demands, Lebanese Prime Minister Rafik Hariri, a respected leader and admired philanthropist, resigned his post in protest. Then, not four months later, Prime Minister Hariri was assassinated in a terrorist bombing that claimed the lives of 22 other people as well. After mourning their murdered leader, one million Lebanese citizens united in downtown Beirut to publicly call for truth, justice and freedom from Syrian domination. Again, the international community acted. We supported the aspirations of the Lebanese people and helped them to compel Syria to withdraw its military forces from the country. The Security Council unanimously passed resolution 1595 (2005), which established the United Nations International Independent Investigation Commission to examine the crime and to identify the guilty.

We have now received the Commission's interim report (S/2005/662), and its findings are deeply disturbing. We are told that there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act. And we are told that it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without the knowledge of senior Syrian officials. We have also learned that Syrian officials have sought to impede this investigation by intentionally misleading the Commission, including by providing false testimony. Syria has offered no truthful explanations to those serious allegations. Instead, it has chosen until now to dismiss the Commission report as politically motivated.

The Syrian Government has actively and consistently worked to break the will of the Lebanese people and to thwart the will of the international community. At this important time, with the unanimous adoption of the resolution today, the United Nations is taking a step to hold Syria accountable for any further failure to cooperate with the Commission's investigations and to consider further action if necessary. The Chapter VII resolution that we have adopted today is the only way to compel the Syrian Government to accept the just demands of the United Nations and to cooperate fully with the Mehlis investigation.

With our decision today, we are showing that Syria has isolated itself from the international community through its false statements, its support for terrorism, its interference in the affairs of its neighbours and its destabilizing behaviour in the Middle East. Now, the Syrian Government needs to make a strategic decision to fundamentally change its behaviour. Until that day comes, however, we in the international community must remain united, and we must remain resolute in our pursuit of truth, our defence of justice and our support of liberty for the brave and courageous Lebanese people.

The President: I give the floor to His Excellency Mr. Mohammed Bedjaoui, Minister for Foreign Affairs of Algeria.

Mr. Bedjaoui (Algeria) (*spoke in French*): The Council has before it the report of the United Nations International Independent Investigation Commission established pursuant to resolution 1595 (2005) on the assassination of former Prime Minister Rafik Hariri.

I would like first of all to pay tribute to Mr. Detlev Mehlis and to the members of the Commission for their efforts to shed light on the heinous assassination of Rafik Hariri and thereby enable the Lebanese people to move beyond their terrible ordeal so that the work of rebuilding by consolidating the bases of democracy — of which he was one of the most eminent architects — can continue.

I am convinced that Lebanon will be able once again — as it has always been able to do when faced with various challenges throughout its troubled history — to summon the necessary resources to enable it to move beyond current difficulties to regain its place in the community of nations and open up real

prospects for economic recovery and development, thereby contributing to the promotion of stability and security in that key region of the Middle East.

In that regard, I would like to reaffirm the unswerving commitment of Algeria to Lebanon's unity, independence and sovereignty, all of which have been attained at great cost. We would also like to express our earnest hope that the act of absolute evil that led to our meeting today will be the last in a long series of misdeeds that have sorely tried the region and led to a culture of injustice and impunity.

The Arab State member of the Council that I have the honour of representing — which is also privileged to hold the chairmanship of the Summit of the League of Arab States — would like to state, loudly and clearly, that the cowardly assassination of the late Rafik Hariri must not under any circumstances go unpunished.

This solemn meeting of the Security Council must reflect the aspirations of the Lebanese people to ensure the triumph of justice in order to punish those who planned and carried out that horrible terrorist crime, and their accomplices, with respect for the rule of law and human rights. That is why it is important that the quest for the truth, which the Council unanimously supports, has the clear stamp of a fair, objective legal process and be absolutely precise and impartial.

According to the Commission itself, the inquiry is not yet complete. Clearly, the report is not yet final. That is why the Security Council must at this stage ensure — as it has done — the necessary prudence when reviewing the evidence and initial circumstantial findings or leads, taking care that the presumption of guilt does not replace the presumption of innocence.

The Security Council must be mindful of the Commission's credibility and respectful of its professionalism by avoiding hasty or premature substantive decisions. Its most important duty at this procedural stage is to increase the resources of the Inquiry Commission so that it can carry out its mandate. In that specific context, it rightly called on Syria to cooperate fully and honestly with the Inquiry Commission.

The Council's urgent invitation has already been heeded. In this regard, we welcome the reaffirmation by Syria at the highest level of State of its willingness to cooperate fully with the Commission. The adoption of the resolution under Chapter VII was sufficient to ensure the full cooperation of Syria.

Similarly, we have consistently believed that the resolution should focus on ways to help the Inquiry Commission to complete its work and not go beyond that judicial framework, in particular by prematurely brandishing the threat of sanctions. It would have been just as inappropriate and illogical for the resolution to have called on Syria to cease all support for terrorist actions. Such issues, which would disrupt the internal consistency of the resolution, could be dealt with in a completely different context than the one with which we are dealing today.

Many of our concerns were taken into account by the sponsors of the resolution just adopted, for which I am very grateful. I would, however, like to outline our position on the resolution, which has been unanimously adopted and which we welcome.

First, political elements that have no direct or indirect connection with the inquiry and that incriminate Syria prematurely and in the absence of compelling evidence, thereby disrupting the internal consistency of the resolution have, fortunately, been avoided.

Secondly, the threat of sanctions against Syria under Article 41 of the Charter has been removed. Such provisions would have been both premature and superfluous, since the resolution was adopted in the context of Chapter VII of the Charter and is, therefore, in and of itself already binding.

Thirdly, the fact remains that the Council has given the Inquiry Commission excessive power in terms of the letter and spirit of resolution 1595 (2005), since, as already recognized, the Commission has the ability to submit directly to the Council the names of suspects with a view to imposing sanctions on them or even of deciding on the venue and modalities for the interrogation of Syrian or other officials.

In this matter, the Security Council had a valuable opportunity to end its association, in the collective consciousness of the Arab people, with the hasty adoption of decisions that have immeasurable negative consequences when it comes to preparing a case involving an Arab party, in contrast to its inertia when it comes to using its authority to support an undeniably just Arab cause.

At the same time, it is with the same vigour that the collective Arab consciousness, already wounded by so much upheaval in the Middle East, has spontaneously risen up against yet another abscess on the body of an Arab nation already overburdened by so much conflict and frustration.

At this stage, it is of the utmost importance — regardless of what reading one gives the report before the Council — that Syria, a State Member of the United Nations, be considered a part of the solution and not a part of the problem. Let us therefore accept the promise to cooperate with the Investigation Commission that Syria's head of State has just made. Let us place our trust in the moral rigour, professionalism and impartiality of the Commission, thereby demonstrating to the entire international community that the Security Council has firmly placed itself in the service of justice and law. Let us also thereby cultivate in the hearts of all people, especially in the Middle East, which has too often been subjected to indiscriminate violence, the hope and promise of equal justice for all without political motivation. Let us ensure that the blood selflessly shed by Rafik Hariri provides a life force for Lebanon as it serves as an example of harmony and unity, as well as for the Middle East of peace, justice and security that the deceased so cherished and dreamed of. It is only in that way that Rafik Hariri's memory will truly be honoured.

The President: I now invite His Excellency Mr. Celso Luiz Nunes Amorim, Minister for Foreign Affairs of the Federative Republic of Brazil, to take the floor.

Mr. Amorim (Brazil): Brazil maintains strong historical ties with both Syria and Lebanon. We host a community of 10 million descendants of people of Lebanese and Syrian origin. President Lula has been keen to intensify our dialogue with the Arab world through initiatives such as the summit of South American and Arab countries held in Brasilia last May. Issues such as the one we are discussing today touch us directly.

Out of concern for possible undue interference in a delicate internal situation, as well as for stability in the region, Brazil decided to abstain in the voting on resolution 1595 (2005). Subsequent developments have created a new and troubling scenario.

Brazil condemned in the strongest terms the 14 February 2005 terrorist attack in Beirut, which caused the deaths of former Prime Minister Rafik Hariri and another 22 innocent people.

The international community was unanimous in its support for resolution 1595 (2005), which pledged assistance to the Lebanese authorities in their efforts to clarify the circumstances of Rafik Hariri's death. It is imperative that those responsible for that crime be brought to justice.

We commend the International Independent Investigation Commission, under the leadership of Mr. Detlev Mehlis, for the serious work carried out in establishing the facts related to the events of 14 February.

As the report points out, the investigation is not yet complete. It is thus most appropriate that the Council has expressed its support for the decision by the Secretary-General to extend the Commission's mandate until 15 December. The demand for greater cooperation by those who have not been forthcoming is entirely justifiable. In that regard, we note that Syrian authorities have in recent days provided assurances to that effect.

The initial draft of the resolution we have just adopted went beyond the scope of the Commission's report. Among other shortcomings, it did not include language that ensured respect for the presumption of innocence. We would not have been in a position to support a text that sought to promote objectives other than those strictly related to the investigation of the Hariri assassination.

A number of our concerns have been dealt with in the revised draft resolution. We pay tribute to the sponsors for having spared no effort to arrive at consensus. We have voted in favour of that text on the understanding that any additional measures can be taken only on the basis of a collective assessment by Council members of the final conclusions of the Commission. In other words, Brazil considers that the reference to Chapter VII of the Charter of the United Nations neither implies nor authorizes the application of measures against Syria in the absence of a collective decision by the Council based on a careful evaluation of the facts.

The current situation in the Middle East is marked by tension, on one the hand, and hopes for peace, on the other. In such circumstances, the Council must be guided by a sense of balance and realism. Our

decisions must reconcile a firm determination to bring to justice those responsible for Prime Minister Hariri's assassination and the pursuit of stability through institutional and political progress. Indeed, the Council must send a strong political message. The unanimous approval of resolution 1636 (2005) has done just that. But Brazil will not favour hasty decisions that may lead to an undesirable escalation of the situation or that will further endanger the stability of the region.

The President: I now invite His Excellency Mr. Li Zhaoxing, Minister for Foreign Affairs of the People's Republic of China, to take the floor.

Mr. Li Zhaoxing (China) (*spoke in Chinese*): The assassination of Rafik Hariri last February was indeed distressing. Today's ministerial meeting of the Security Council has positive significance not only for the search for the truth and for bringing the perpetrators to justice, but also for preventing the recurrence of similar incidents.

Over the past several months, the International Independent Investigation Commission, led by Mr. Mehlis, has done much work. China takes the questions raised in the Commission's report (S/2005/662) seriously. The Security Council is duty-bound to urge the relevant parties to cooperate seriously and fully with the Commission in accordance with Security Council resolution 1595 (2005). We also hope that the Commission will continue its investigation in an open and impartial manner, obtain iron-clad evidence and bring the truth to light as soon as possible, so as to bring justice to the victims and safeguard the authority of the Security Council.

It is precisely on the basis of that consideration that China believed it necessary for the Security Council to adopt a resolution urging the relevant parties to strengthen their cooperation with the Commission, with a view to sending an unequivocal signal to the international community.

China always maintains that no arbitrary use or threat of sanctions should be allowed in international relations. The use of sanctions can only be authorized by the Security Council with prudence and in the light of actual situations. The Mehlis report is still a preliminary report, and the Commission itself also believes that the investigation is yet to be completed and that there is no final conclusion.

In such circumstances, it is inappropriate for the Council to prejudge the outcome of the investigation or threaten to impose sanctions. That will not contribute to resolving this issue and will add new destabilizing factors to the already complex situation in the Middle East. This is a legitimate and reasonable concern of China, Islamic countries and many other nations.

The current situation in the Middle East is complicated by various intertwining factors. Last June, I visited a number of Middle Eastern countries, including Lebanon and Syria. During that visit, I profoundly sensed the wishes of the Governments of those countries for peace, stability, good-neighbourliness and friendship, as well as the expectations of the peoples of those countries for a tranquil, harmonious and happy life. Therefore, in handling the relevant issues, the Security Council should take into full consideration the unique and complicated situation in the Middle East, and respect the sovereignty of those countries and the will of their peoples, so as to avoid causing new tensions and turmoil in the region.

The President: I now invite His Excellency Mr. Per Stig Moeller, Minister for Foreign Affairs of Denmark, to take the floor.

Mr. Moeller (Denmark): The Security Council is meeting today on a very serious set of issues. It is therefore only apt that the meeting has been convened at the ministerial level. At stake are the sovereignty and integrity of Lebanon, the principle of the rule of law and the credibility of the Security Council in following through on its own resolutions, particularly resolution 1595 (2005).

The report of the Independent Investigation Commission has set out a most disturbing, but at the same, unfortunately, rather compelling case. Converging evidence gathered by the Commission so far thus seems to suggest that there might have been a conspiracy among senior Syrian and Lebanese security officials behind the terrorist assassination of former Prime Minister Hariri on 14 February.

This is a preliminary report and the presumption of innocence applies. Nobody, of course, should be presumed guilty until so proven in a court of law. That is the reason why Mr. Mehlis has asked for — and the Secretary-General has granted, at the explicit request of the Lebanese authorities — an extension of the

investigation until 15 December. We fully concur with that decision by the Secretary-General.

We believe that it is absolutely essential to get to the bottom of this case so as to ensure that the perpetrators of this despicable terrorist act are brought to account and that justice is served. In order to complete the investigation and achieve those objectives, we need, as stipulated in resolution 1559 (2004), the full, immediate and unconditional cooperation of all relevant parties.

While we welcome the full cooperation extended by the Lebanese authorities to the Commission, we are seriously concerned by the information contained in the report that Syria's "lack of substantive cooperation with the Commission has impeded the investigation and made it difficult to follow leads established by the evidence" (S/2005/662, para. 35). That lack of cooperation is neither acceptable nor in Syria's own best interest.

It is, in those circumstances, imperative that the Council ensure proper working conditions for the Commission — a Commission that it has itself established — so that it can finish its work.

The resolution before us aims at exactly that. It relays the strong and unambiguous message to the Syrian Government that we expect its immediate, full and substantial cooperation in this investigation — nothing more and nothing less. At the same time, the resolution stipulates that continued non-cooperation by Syria will have further consequences. The individual measures outlined do not have a punitive content, but are designed to elicit cooperation from the individuals concerned and to ensure that they do not flee the investigation. The fact that it has been adopted unanimously reinforces that strong message.

Should the Lebanese authorities express a need for technical assistance for the purposes of the next steps of the investigation, I can tell them that Denmark stands ready to continue to provide further assistance. Denmark is also ready to support the ongoing efforts in Lebanon to improve the country's permanent investigative capacity.

It has been argued that, by pursuing this investigation and the truth about the assassination of former Prime Minister Rafik Hariri, we risk jeopardizing the stability of Lebanon and the region, but an important prerequisite for regional stability is in fact respect for Lebanon's political independence. That has evidently been violated in the case of the Hariri assassination. The Council must continue to strive for full implementation of both resolutions 1559 (2004) and 1595 (2005). Denmark remains committed to that goal. Syria must realize that it poses a real danger to peace in the region by being involved in arming terrorist groups and by not securing its borders with Iraq.

The President: I now invite His Excellency Mr. Petros Molyviatis, Minister for Foreign Affairs of the Hellenic Republic, to take the floor.

Mr. Molyviatis (Greece): The 14 February 2005 terrorist bombing in Beirut, Lebanon, which took the life of former Lebanese Prime Minister Rafik Hariri and others and caused injuries to dozens of people, shook the international community and threatened to destabilize Lebanon during the difficult and sensitive transitional period it was going through. The international community reacted with a strong and unequivocal condemnation and a firm resolve that the perpetrators of that heinous act be found and brought to justice.

Terrorism constitutes one of the most serious threats to peace, freedom and human dignity. Acts of terrorism are under no circumstances justifiable on any ground, be it political, religious or philosophical. Those committing such horrific acts must be brought to justice. The Security Council has repeatedly shown its determination to eradicate that scourge of our times.

By unanimously adopting, on 7 April 2005, resolution 1595 (2005), the Security Council did exactly that. It sent a message, in no uncertain terms, that those responsible for the assassination of Rafik Hariri have to be identified and held accountable. That was the Council's common objective then; it continues to be our common goal now.

The resolution we have just adopted does not prejudge the outcome of the investigation. It does not have a punitive character, but a supportive one. It is primarily meant to assist and to equip with the necessary tools the International Independent Investigation Commission that the Security Council itself has established so that it will be able to fulfil its mandate and complete its mission.

The Council reiterates its demand for the full and unconditional cooperation with the International

Investigation Commission of all those involved in that terrorist act and it seeks to guarantee that that message is heard clear and loud. Based on recent statements made by the Syrian Government, we hope that Syria will cooperate fully and unconditionally with the International Investigation Commission in order to identify and bring to justice the perpetrators of the terrorist act, thus facilitating the peaceful settlement of the issue and opening a new chapter in its relations with Lebanon.

In the context of those considerations, when voting today, our main concern and preoccupation was also focused on two issues: the unity of the Security Council in dealing with an extremely sensitive issue with far-reaching effects, and the need to maintain lasting peace and stability in the broader region.

It is important, we believe, that the Council stand together in dealing with issues it has itself identified as constituting a threat to international peace and security. That will preserve the integrity of the Council and give moral weight to the message. We believe that the full implementation of today's resolution will not only do justice, but will also help to preserve the unity and political independence of Lebanon and, therefore, to restore security and stability in the greater Middle East area.

The President: I now invite His Excellency Mr. Alberto Gaitmatan Romulo, Secretary for Foreign Affairs of the Republic of the Philippines, to take the floor.

Mr. Romulo (Philippines): The Philippines has joined the 14 other members of this Council to vote unanimously in favour of resolution 1636 (2005). History has taught us the tragic lesson that political assassinations can lead to strife, conflict and war. We have also learned that justice is a powerful force for peace. We voted in favour of the resolution just adopted for, like the rest of the world, we seek justice for former Prime Minister Rafik Hariri and the 20 other victims. We voted in favour of the resolution for we know that, with justice, there can be true and lasting peace.

The Mehlis investigation points towards a massive conspiracy. It lays a solid foundation for further criminal investigation to identify, prosecute and punish the perpetrators of the crime. The Mehlis Commission must be allowed to continue with its work. The investigation has made much headway thanks to the cooperation of Lebanon. We commend and thank the Government of Lebanon for the full assistance and cooperation it has extended so far to the Commission in the discharge of its mandate, in accordance with paragraph 3 of resolution 1595 (2005). But the investigation could not be completed without Syria's cooperation.

We are deeply concerned by the Commission's report that Syrian authorities have cooperated only in form, not in substance. Even more worrisome, the Commission has also reported that several Syrian officials have tried to provide false or inaccurate information so as to mislead the Commission.

We urge the Government of Syria to fully comply with the provisions of this resolution and with those of resolution 1595 (2005). We take note, however, of Syria's recent statement regarding its current intention to cooperate with the Commission, and we expect the Syrian Government to fully implement the commitments it is now making.

Questions have been raised regarding the complicity of Syrian officials. Those are questions that must be answered. When all the answers are in, and when the investigation is completed, it is the Government of Lebanon that will pursue further legal action under its criminal justice system.

The assassination of Mr. Hariri remains essentially a domestic concern of Lebanon's; it can be effectively redressed only by and within Lebanon. The international community, however, must lend all possible material assistance, as well as political and moral support, to the Lebanese Government and people.

The extension of the Commission's mandate until December 2005 sends a good and powerful message. It is a practical step towards ensuring international awareness and support for all efforts to see that justice is done.

We are grateful to the sponsors of resolution 1636 (2005) — the United States, the United Kingdom and France — for their work on the text. We are grateful, too, for their openness in accommodating our concerns with regard to key operative paragraphs.

Today, the Security Council not only cast a vote for peace and justice, but also struck a blow against those who use political assassination to sow fear and terror. Through this resolution, the Council has

reinforced the notion that political assassination is an act of terrorism — an act that can bring to the fore the employment of extraordinary powers under Chapter VII of the United Nations Charter.

The President: I now invite His Excellency Mr. Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation, to take the floor.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): The outcome of today's ministerial-level meeting of the Security Council demonstrates the international community's resolve to establish the truth regarding the serious crime that resulted in the death of an outstanding Arab statesman, the Prime Minister of Lebanon, Rafik Hariri. From the very outset Russia has supported and continues to support the activities of the International Independent Investigation Commission, under the leadership of Mr. Mehlis, to investigate that terrorist act.

From the very first days of work on the text of the draft resolution, we tried, together with other Council members, to ensure that it reflected clearly the main objective proclaimed by the sponsors themselves: to help the Commission resolve the difficulties encountered in carrying out its investigation. We have supported all of the resolution's provisions regarding the need to ensure Syria's honest cooperation with the international investigators, in conformity with resolution 1595 (2005). At the same time, we have consistently endeavoured to rid the text of any provisions having nothing to do with the investigation of Rafik Hariri's assassination.

We note that the sponsors were able to take into account to a significant extent the proposals of Russia and other Council members who were trying to ensure that the resolution not be political, that it not go beyond the context of cooperation with the investigation and that it not contain any baseless threats or cast doubt on the universal principle of the presumption of innocence.

I recall that the initial version of the draft resolution provided for an unprecedented procedure that would have automatically imposed sanctions against suspects purely at the discretion of the Commission thereby depriving the Security Council of its prerogatives under the Charter of the United Nations. Our joint efforts enabled us not to allow such a very dangerous precedent to be established. The final text just adopted provides that sanctions against individuals will be considered — or should be considered — by the relevant Security Council committee — that is, on the basis of consensus.

It is extremely important that the sponsors agreed to our proposal that the resolution reflect the need for peace and stability in the region and for peaceful means to achieve a settlement. Of course, the resolution's final text is not ideal, but its main benefit lies in the fact that we all were able to focus on the main point: to show the resolve of all Council members to establish the truth.

In any case, the differences among Security Council members that arose during our work on the text must not be viewed as a pretext for non-compliance with the resolution's main requirement: full and faithful cooperation on the part of all States with the Commission. Of course, that applies first and foremost to Syria. We note that we have received from Damascus the relevant assurances, including at the highest level. The Syrian leadership has decided to establish a national investigation commission that will work in close cooperation with the Mehlis Commission. As emphasized in the resolution just adopted, that decision should be supplemented with practical action in the near future.

We will carefully follow further developments in the work of the Mehlis Commission and will continue to lend it our support. We are convinced that the Commission will act professionally, objectively and strictly within the framework of its mandate. That will ensure an impartial investigation that should not only help us find the truth, but also to reinforce stability in Lebanon, to normalize its relations with Syria and to improve the situation in the Middle East as a whole.

Mr. Mayoral (Argentina) (*spoke in Spanish*): Argentina has attached great importance to investigating the attack of 14 February 2005 that killed former Lebanese Prime Minister Rafik Hariri and 22 others. We continue to believe that the planners, authors and perpetrators of that brutal terrorist attack must be brought to justice without delay. That is why my delegation has from the outset supported the work of the International Independent Investigation Commission established by the Security Council, under the leadership of Mr. Mehlis. We welcome the progress made thus far and congratulate Mr. Mehlis on his efforts.

Bearing in mind that this investigation has not yet concluded, Argentina supported the Secretary-General's decision to renew the Commission's mandate until 15 December 2005. We hope that further progress will have been made by then and that the next report submitted to the Council will be illuminating and definitive.

As Mr. Mehlis said on 25 October, if the Commission is to finalize its work, it needs collaboration and cooperation from all those who may have relevant information, particularly the Syrian authorities. That is why we believe that Syria will provide the cooperation requested of it by the Security Council. In that connection, we are pleased that Decree 96 was signed on 29 October, establishing a special judicial committee to cooperate with the International Commission and with the Lebanese judicial authorities. We deem this is a positive initiative, and it is an expression of the will on the part of the Syrian authorities to get to the bottom of this matter.

We believe that the successful conclusion of the investigation must be the main objective of the Security Council in regard to this matter. For this reason, from the outset of negotiations on the draft resolution, my country has maintained that the Council must adopt a constructive approach and avoid confrontation, taking measures that could facilitate cooperation on the part of all who might have any information to bring to the investigation.

We also insist that the action of the Security Council must respect the principles of due process and the presumption of innocence, and that we should avoid any reference to aspects that are outside the mandate of the Commission.

On this basis, along with other members of the Security Council, Brazil in particular, we submitted a number of amendments to the draft resolution. Today we are pleased to see that the vast majority of those amendments have been included. We would also like to express our thanks to the sponsors for their additional efforts.

For this reason, within this framework, we agreed to the adoption of the draft resolution through unanimous support. That is why I would point out once again the importance Argentina places on unity in this Security Council. It seems to us that, on matters of such importance such as this one, strengthening our message depends not only on the content but also on the unanimous adoption of decisions taken in the Council.

In conclusion, I wish to reiterate that my country believes that the Security Council must place the same priority on this matter as it has on other matters related to the Middle East.

On this occasion, Argentina wishes to reiterate its commitment to finding a just and lasting solution to the various aspects related to the conflict in that region, in accordance with the resolutions that have been adopted by the Security Council.

Mr. Idohou (Benin) (*spoke in French*): Mr. President, my delegation would like to convey our most earnest congratulations to you on this Security Council ministerial meeting that has been convened in order to take a decision on an issue of great importance for international peace and security.

Since it began dealing with the first report of the International Independent Investigation Commission (IIIC), the Security Council has been trying to draw the necessary consequences. In the light of the conclusions of the report and its own analysis of the situation, the Council has spared no effort to forge a consensus on the steps to be taken in order to follow up on this report.

The resolution we have just unanimously adopted bears witness to this. Benin voted in favour of this resolution in order to show its firm disapproval of a terrorist attack of extreme seriousness that cost the life of the former Prime Minister of Lebanon, the late Rafik Hariri, and of 22 other people on 14 February 2005. By the same token, Benin would like to express its agreement to extend the mandate of the Commission that it might continue to help the Lebanese authorities, as requested, to continue and conclude its investigations.

This resolution, in our view, has no other goal but to give the Commission the means to find out all the details about the terrorist attack that we have unanimously condemned. It is clear that we have to identify those who were involved and bring them to justice so that law may prevail.

The resolution just adopted shows, above all, the determination of Council members to focus their action on determining the individual responsibilities of those who were implicated in this attack. With this in view, it is of the utmost importance that the inquiry take place

with strict respect for the law. That is why Benin welcomes the establishment of a Security Council committee in order to ensure the managing of a list of those persons who come within the purview of the protective measures provided for under the resolution, regarding both listing those persons and de-listing them. This formula would guarantee the safeguarding of the rights of the people concerned in this procedure, while avoiding the stumbling block of putting the investigative Commission into a situation where it would appear to be both judge and jury in the proceedings. It would be appropriate if those suspected, whose responsibility has not been confirmed by the inquiry, might fully and promptly regain their rights. This is a step that would require the full cooperation, both of the Lebanese authorities and of the Syrian authorities among themselves, and their cooperation with the Commission, in order to uncover the truth.

This approach, which would consist of determining the responsibility of the individuals involved, has a certain advantage to it. It remains within the framework of the law and avoids politicizing the matter. Neither Lebanon nor Syria would gain from the politicization of a crime of such gravity that could involve the international community in an uncontrollable spiral. Besides, the politicization of this matter would, in the final analysis, only benefit those responsible for the attack, because politicization would result in rendering the search for the truth more difficult. It would not help us at all in the major goals pursued by the international community — that is, to put an end to impunity and to combat terrorism resolutely in all its forms.

We then exhort all of the parties to remain faithful to this approach and to work in good faith with the Commission. We renew here our firm support for the Commission, and we hope that it will maintain the high degree of professionalism that has thus far characterized its work.

In conclusion, we would like to reiterate our great sympathy for the families of those who died on 14 February, and we would like to pay tribute to the memory of the victims. We are convinced that the international community will carry out its sacred duty towards the victims and their families, namely, to find and punish those who are guilty of these crimes. This is the very raison d'être of the rigour that the Council has shown, and will continue to show, in this matter.

This strictness must be maintained until the conclusion of the matter. In that way the international community can provide a disincentive for any political assassinations in future. There is no doubt that this is absolutely necessary in order to preserve human life, democracy and freedom of opinion as a means of governance.

Mr. Oshima (Japan): First, Mr. President, allow me to convey the regrets of my Foreign Minister, Mr. Taro Aso, who was newly appointed to the portfolio in a Cabinet reshuffle earlier today in Tokyo, for not being able to attend this important meeting.

Japan welcomes the unanimous adoption of resolution 1636 (2005). I would like to express appreciation to the three sponsors for taking the lead.

In an earlier resolution, resolution 1595 (2005), the Security Council established and tasked the International Commission to assist the Lebanese authorities in the investigation of an extremely serious incident, the assassination of former Prime Minister Rafik Hariri. The Commission has since demonstrated remarkable professionalism in carrying out its mission. Japan sent a forensic expert team to the Commission to make its own contribution to the investigation.

As the latest report of the Commission and the briefing to the Council by Commissioner Mehlis have clearly indicated, the approach taken by the international community, through Council resolution 1595 (2005), was the right one. As the Commission's report makes clear, the investigation is yet to be finished.

In order to facilitate prompt and effective work aimed at the early conclusion of the investigation, two essential points needed to be adequately addressed: first, to extend the mandate of the Commission and strengthen the support required for the effective discharge of its mandate, and secondly, to ensure serious full cooperation with the investigation, as the Commission has revealed that such cooperation will be the main focus in order to complete the investigation.

In our view, the resolution just adopted appropriately addresses those essential points. It gives adequate consideration to ensuring the fairness as well as the credibility and integrity of the investigation, including due consideration to the principle of the presumption of innocence. It is firm in requesting the Syrian Government to extend its cooperation to get to

the bottom of the heinous terrorist incident. The resolution is prudent, and it is balanced in dealing with the sensitivities involved in the context of the current complex Middle East situation.

In that regard, we note that, at the suggestion of my delegation and others, appropriate amendments have been incorporated in the final text, including with regard to operative paragraph 12. We earnestly hope and expect that under the resolution, Syria will extend the full cooperation that is expected of it, and the investigation will make rapid progress and establish the truth in this matter as early as possible.

In that regard, Japan takes note of the recent Syrian assurances regarding cooperation and its efforts in taking such initiatives as the establishment of a special judicial committee to deal with the investigation of Syrians, in cooperation with International Independent Investigation Commission. We hope those efforts will also contribute to the early establishment of the truth.

Mr. Mahiga (United Republic of Tanzania): I join in thanking Romania for convening and presiding over this ministerial meeting of the Security Council to deliberate on measures to support the International Independent Investigation Commission established by Security Council resolution 1595 (2005). I extend fraternal greetings and apologies from my Minister for Foreign Affairs and International Cooperation, the Honourable Jakaya Kikwete, who is unable to attend this meeting because of pressing national commitments at this period of presidential and general elections in Tanzania.

The United Republic of Tanzania joined the consensus and voted for the resolution after several amendments were accommodated by the cosponsors. The amendments brought more focus and aligned the draft resolution with its central objective of ensuring compliance with the work of the independent investigation established by resolution 1595 (2005) of April 2005, on the assassination of former Lebanese Prime Minister Rafik Hariri and 22 others, in Beirut on 14 February 2005.

The bombing in Beirut was unmistakably a criminal terrorist act. The interim report of the investigation has revealed that it was carefully planned and executed with professional precision. Like similar terrorist bombings before, and the recent terrorist bombings around the world, the Beirut bombing, amidst a politically volatile atmosphere in Lebanon and the region, constituted a threat to regional and international peace and security. Thus, the Security Council had the responsibility and obligation to initiate an investigation as part of its global effort to combat international terrorism.

Lawlessness and impunity at national and international levels should not be allowed to undermine international peace and security. Those responsible for the crime in Beirut must be held accountable for the sake of justice, and in response to the demand of the Lebanese people.

The Investigation Commission has done commendable work so far, in collaboration with the Lebanese and Syrian authorities, as requested in resolution 1595 (2005). The investigation is not yet complete. In order to complete its work, the Commission requires more cooperation from Syria, as well as from all States and parties. That is not only a legal obligation, but also a moral and ethical obligation incumbent upon all States that may be called upon by the Commission to cooperate in identifying the individuals, groups and organizations behind that heinous crime.

The United Republic of Tanzania acknowledges a serious pledge to extend further cooperation to the Investigation Commission, whose mandate has been extended to 15 December 2005. In full exercise of its sovereignty we encourage Syria to use the opportunity offered by the resolution to deliver what the Commission asks. In that regard, we further note that Syria has established a national investigation commission to look into the matter. In those investigations, it is important to respect the presumption of innocence for the individuals concerned, until proven guilty by due process of law.

We trust that cooperation with the International Independent Investigation Commission and the latest initiative by Syria will advance to a satisfactory conclusion, in accordance with the letter and the spirit of the resolution.

The President: I shall now make a statement in my capacity as Minister for Foreign Affairs of Romania.

The following is meant to be an explanation of vote after the vote on the draft resolution. In fact, this is no ordinary resolution. Before anything else it is, I

believe, an act of conscience — of legal, moral and political conscience. The Security Council made a powerful statement today. By adopting resolution 1636 (2005), it has helped to put an end to decades of political assassinations left unsolved or gone unpunished.

Before explaining my vote, I wish to pay tribute to the memory of the late Rafik Hariri and express a pious thought for all those who accompanied him in death on that bloody 14th day of February, in Beirut.

We have voted in favour of the draft resolution for four main reasons.

First, truth — the whole truth — has to be found. We have to stand by Detlev Mehlis and his Commission and fully back them. They are courageous enough, they are competent enough, they are resolute enough, to be the only key that Lebanon, and indeed the international community, may have for unearthing the terrible truth about the killing of former Prime Minister Rafik Hariri.

We did not and could not agree with the argument that either their work or their report was political. One cannot inquire into a political assassination without judicial exposure of its political context. That is, after all — mutatis mutandis — what is expected from the International Court of Justice in most, if not all, of the cases referred to it. After we have asked the International Independent Investigation Commission team to perform this gigantic task, they need all our support to carry it through to the ultimate conclusion.

By the same token, we are supporting the Lebanese authorities in the discharge of their responsibilities. Lebanon — I hope members will agree with me — is a country of extraordinary revival and that now seems to be true for its judiciary.

Secondly, the resolution seeks to secure — on the basis of reporting the Council received from the International Commission — Syria's full and immediate unconditional cooperation with the Hariri investigation. It does not demand less; it does not demand more. Romania would not have agreed with a resolution that she felt was calling into question the responsibility for a terrorist act of a country as such, rather than of its nationals or governmental agents. Syria expressed its intention to cooperate, which has not been the case so far. Several concrete steps in that direction have recently been reported. And we hope that Syria now seizes the opportunity, and the obligation, to deliver on its professed good faith.

Thirdly, while respectful of the need to uphold the presumption of innocence, the resolution lays down a series of guarantees that those suspected or found responsible in connection with the terrorist act in Beirut will be made available to justice or be properly held accountable.

Fourthly, the Romanian delegation's proposed amendments on earlier formulations of parts of the draft resolution and its suggestions for improving the text have been adequately taken up and reflected in the resolution just adopted. I wanted to express our special appreciation to the original sponsors of the draft resolution for that and, in general, for their overall conduct of negotiations. The outcome of the Council's common efforts is a balanced text that reflects the broadly shared need for a strong, early and credible reaction to the disturbing findings of the Commission's report and its far-reaching implications.

Perhaps more important than anything else is for the Council to emerge united in its consideration of the complex and unprecedented inquiry into the killing of the prominent Lebanese statesman, Rafik Hariri. The Council's unanimous stand today reflects our endeavours and decisions to support the attainment of durable peace, stability and prosperity in the Middle East. It is also testimony of a Security Council that, more than ever, is tackling the world's crises, tensions and conflicts and that, more and more, is in a position to work effectively and deliver credible responses to them.

I now resume my function as President of the Council.

I give the floor to His Excellency Mr. Boutros Assaker, the Acting Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

Mr. Assaker (Lebanon) (*spoke in Arabic*): On behalf of the Government of Lebanon, allow me to extend to you, Mr. President, to Secretary-General Kofi Annan and the members of the Council our deep gratitude for the ongoing efforts to follow up on the implications of the criminal assassination of the late Prime Minister, the martyr Rafik Hariri. I would also like to thank the Foreign Ministers for their kind words of friendship with the people of Lebanon and their

confidence in the ability of the Lebanese people to overcome the difficult obstacles that they face.

At this juncture, and in the light of the results that the Council has reached, the Government of Lebanon wishes to reaffirm its statement made at the Council's 5292nd meeting, last week. The Lebanese Government considers that the main goal of the International Independent Investigation Commission is to uncover the whole truth about that heinous terrorist crime. Reaffirming its appreciation for the serious and solid work carried out by Mr. Mehlis and the Commission, the Lebanese Government is convinced that identifying and punishing the perpetrators of the crime and meting out justice will contribute greatly to the consolidation of Lebanon's national unity, as well as the security and stability of the country and the region.

Lebanon has entered a new phase in its history, charged with the ambition of its sons and daughters to consolidate the country's political independence, enhance its sovereignty and establish foreign relations based on equality and reciprocity with friendly, brotherly countries.

Lebanon, with the assistance of these countries, seeks to develop its political system of centuries-old democracy and reform its economic system, consistent with social realities, the needs of the Lebanese people and the demands of the current era.

My Government reiterates its call on all concerned parties to cooperate sincerely and seriously with the International Independent Investigation Commission so that justice can take its proper course.

The late Prime Minister, the martyred Rafik Hariri believed in the United Nations system. He believed in its principles and its defence of the right to uphold justice in order to protect Member States and their peoples. He believed in Lebanon as a homeland for co-existence, a democratic, independent Arab country open to all cultures and civilizations. All Lebanese share that belief and adhere to those principles.

The President: I now give the floor to His Excellency Mr. Farouk Al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic.

Mr. Al-Shara' (Syrian Arab Republic) (*spoke in Arabic*): At the outset, I thank you, Mr. President, for giving me the opportunity to state Syria's position on the issue under consideration by the Security Council.

Allow me to welcome the Secretary-General Kofi Annan. I am also happy to see some friends and colleagues around the table. Friends both within and outside the Security Council advised us not to go into the second report of the International Independent Investigation Commission at length today.

However, there is no such need, because the resolution just adopted by the Council contains a number of paragraphs that repeat verbatim parts of the report that make accusations against Syria, accusing it of committing the crime of assassinating the late Rafik Hariri and of not fully cooperating with the Commission. Syria's fundamental criticism of the Commission's report is that it proceeds from the presumption that Syria is guilty of committing that crime, rather than presuming its innocence, and that the report does not, instead, seek the facts and evidence that would lead to the real perpetrator.

The sixteenth preambular paragraph of the amended resolution states:

> "Taking note of the Commission's conclusions that, given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge, and that there is probable cause to believe that the decision to assassinate former Prime Minister Rafik Hariri could not have been taken without the approval of top-ranked Syrian security officials".

Operative paragraph 2 states that the Security Council

> "Takes note with extreme concern of the Commission's conclusion that there is converging evidence pointing at the involvement of both Lebanese and Syrian officials in this terrorist act, and that it is difficult to envisage a scenario whereby such a complex assassination could have been carried out without their knowledge".

The use of phrases such as "envisage a scenario", "probable cause to believe" and other unclear terminology casts doubt on the seriousness of the work of the Investigation Commission and leads one to believe that the Commission proceeded on the basis of preconceived notions, leading it to accuse Syria

because of a fact on the ground that is not in itself evidence of the commission of a crime.

It is rather strange that the Council has supported that line of thinking by the Investigation Commission. The presence of military forces and a security apparatus in a country where a criminal or terrorist act takes place does not mean that it must have taken place with the knowledge of, or concurrence by, such forces and apparatus. If that were the case, we would have had to accuse the United States security forces of knowing about the terrorist acts perpetrated on 11 September 2001; Spanish security forces would have been accused of knowing about the train bombings in Madrid on 11 March 2004; and, indeed, British security forces would have been accused of knowing about the London Underground bombings of 7 July 2005.

Thus, for instance, as we know that the British security forces were expecting terrorist bombings to occur in the Underground and had previously trained to deal with them, can we now accuse them of having had prior knowledge of such attacks?

It is illogical to level accusations that are based on presumptions of the kind endorsed by this resolution. That means that all security forces in all countries of the world that have recently experienced terrorist attacks may be implicated in such crimes. I think that the first to be delighted at such conclusions will be the terrorists themselves.

The Council's resolution took on board the presumption of Syria's involvement and, for reasons we are not aware of, ignored another presumption: the possibility of involvement by a third party, a term I quote verbatim from the Mehlis report. Paragraph 123 of the report states that

> "there is little probability that a third party would undertake surveillance and monitoring measures against Mr. Hariri for more than a month prior to the blast and maintain the resources, logistics and capacity needed to initiate, plan and commit a crime of this magnitude without the knowledge of the competent Lebanese authorities."

More grave than the accusations levelled at Syria in the resolution adopted today is the claim by the Commission that Syria cooperated with it in form but not in substance. It is regrettable that the resolution takes on verbatim the conclusions of the Commission's report. The seventeenth preambular paragraph of the resolution states:

> "Mindful of the Commission's conclusion that while the Syrian authorities, after initial hesitation, have cooperated to a limited degree with the Commission, several Syrian officials have tried to mislead the investigation by giving false or inaccurate statements".

Of course, Mr. Mehlis did not specify what these false or inaccurate statements were, either in the report or in statements to the media.

Furthermore, it is stated that the Syrian authorities have cooperated in form but not in substance with the Commission. Operative paragraph 5 states that "several Syrian officials tried to mislead the Commission by giving false or inaccurate information". This repetition is bizarre.

Syria also finds it strange to see this accusation of non-cooperation from the Commission — the same accusation endorsed by the Security Council in the resolution it adopted this morning.

Following Mr. Mehlis's visit, the Foreign Ministry of the Syrian Arab Republic did its utmost to provide the best possible conditions for the Commission's work, both in form and in substance. We acted in complete good faith in that regard. However, it seems that some people in the Commission were not acting in good faith. As the Council is aware, the Commission could very well have laid down the conditions for the interviews it wished to undertake with Syrian persons freely, and it could have refused any request from the Syrian authorities. It seems that there was an intention to point a finger of accusation at Syria — an accusation of non-cooperation paving the way for this very resolution, adopted this morning under Chapter VII of the Charter.

It is clear to anyone who has followed this issue that Syria has fully cooperated throughout — I repeat, fully.

As to form, the Commission could have undertaken all its activities without any Syrian objection to anything that Mr. Mehlis wished. All the measures taken in Syria were undertaken to the satisfaction of Mr. Mehlis and on the basis of an agreement between the Legal Adviser to the Foreign Ministry of the Syrian Arab Republic and Mr. Mehlis.

As for substance, the Commission must provide evidence of the credibility of the statements made to it. Mr. Mehlis could have listened for hours and posed hundreds of questions. Who would have prevented him from doing so? No one. The investigation continues; it is not yet finished, as stated in the report of the Commission. We are prepared, in a closed meeting if the Council so wishes, to provide details clearly showing Syria's full cooperation with the Commission to date.

There are things that are rather difficult to state in public. Although we cannot say them today, we are fully prepared to say them in a closed meeting to prove the large extent of our cooperation with the International Independent Investigation Commission.

One can only wonder at the Council's adoption of resolution 1636 (2005) under Chapter VII of the Charter, whereas it did not deal accordingly with other similarly painful events, such as the Qana massacre of April 1996, where more than 100 Lebanese civilians were killed. The Council did not set up an international investigation committee into the Qana massacre, because in that case Israel was the accused party. The Council also found it sufficient to issue a presidential statement on the explosion that led to the killing of Sergio Vieira de Mello, the United Nations special representative in Iraq. Perhaps members should recall that attack, which killed Mr. Vieira de Mello and more than 20 of his colleagues in 2003 in Baghdad. When, in April of 2002, Israel attacked the Jenin refugee camp in the occupied West Bank — an attack that led to the deaths of more than 400 Palestinians, including dozens of women and children — Israel simply refused to receive the commission that was set up by the Security Council under the stewardship of former Finnish President, Martti Ahtisaari, and the page was quietly turned on that affair.

Despite all of the above and proceeding from its desire to uncover the truth, Syria's decision was and is to fully cooperate with the International Commission until conclusive evidence is found as to who perpetrated that heinous crime. In that regard, the President of the Syrian Arab Republic, Bashar Al-Assad, issued legislative decree No. 96 of 29 October 2005, creating a special judicial commission — to be chaired by the Attorney-General of the Republic and with the membership of the military Attorney-General and a judge to be named by the Minister of Justice — tasked with directly investigating Syrians, both civilians and military personnel, on all aspects of the mission of the International Independent Investigation Commission created by resolution 1595 (2005). That decree calls for that special judicial commission to cooperate with the International Independent Investigation Commission, as well as with Lebanese judicial authorities, in all matters pertaining to the investigation and that the Investigation Commission may call on all civilian and military judges or members of the Attorney-General's office, both military and civilian. We are convinced that the cooperation between those three parties and close coordination of their activities will uncover the truth without any politicization of the matter.

In that regard, I must recall that the creation of the special judicial commission requires the cooperation with the Investigative Commission and the Lebanese judicial authorities. It is no secret that that cooperation was not available in the immediate aftermath of the crime because of the unprecedented tension on the streets of Beirut, which escalated very rapidly and which was accompanied by emotional accusations against Syria that made it difficult, if not impossible, to participate in any investigation that involved Syria.

Let me express Syria's appreciation for all the efforts of some Security Council member States to ensure that the maintenance of peace and security and adherence to basic principles was foremost in debating the draft resolution. Syria also expresses appreciation to those States for not giving into pressures or policies that rely on distorting the facts and on attacking the independence and freedom of States.

The inclusion in the Security Council resolution, adopted a few moments ago, of two paragraphs that have no relation to the work of the Investigation Commission, but instead deal with regional issues, is a clear indication that the objective of the resolution was not to uncover the truth behind the assassination of the late Rafik Hariri, but rather to target Syria and its positions vis-à-vis issues that affect the present and future of the region.

Finally, allow me to express the aspirations of Syria and its people for a day when peace, security and stability will prevail in the Middle East, in particular in Syria and Lebanon.

Actually, I also have a very brief observation I would like to add, pertaining to the statement by His

Excellency Jack Straw. He was right when he said that the assassination of the late Rafik Hariri was similar to what took place in medieval times. I would go further than what Jack Straw said: the investigation of the crime has also taken place in near-medieval circumstances in which the accused is presumed guilty before his guilt was proven.

The President: His Excellency the Right Honourable Jack Straw, M.P., Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland has asked to speak. I give him the floor.

Mr. Straw (United Kingdom): I was not going to respond until I heard the Foreign Minister of Syria make what I can only describe as the most grotesque and insensitive comparison between the situation in which the Government of Syria now finds itself and the positions of the United States Government on 11 September 2001, the Government of Spain on 11 March 2004 and the Government of the United Kingdom on 7 July of this year. To compare the state of knowledge or lack of knowledge of those three Governments in the face of those appalling and unprovoked terrorist atrocities with the position of the Government of Syria is at best absurd. And I think if any colleagues around this table had any misgivings about making resolution 1636 (2005) a Chapter VII resolution, those misgivings were entirely allayed by the lengthy statement that we have just heard — which appeared to be resisting at each stage, until its closing paragraphs, any suggestion that there would be — in spirit as well as in letter — the full cooperation with the Mehlis Commission that the resolution requires.

Commissioner Mehlis makes it clear, and I quoted him, that the presumption of innocence still obtains. But what he is dealing with here is not a medieval inquiry, as Mr. Al-Shara' suggests, but what is commonplace in all proper investigations: the establishment, first of all, of prima facie evidence to see whether a further investigation is required.

Because of what Mr. Mehlis spells out as a lack of cooperation on substance, he has found it necessary to refer this matter to the Security Council. Had there been that full cooperation on substance by the Government of Syria, the report by Mr. Mehlis would have been very different, and I am absolutely certain that there would have been no requirement for a ministerial meeting today — probably not even for a resolution.

Let me give just one example of the lack of cooperation that, I notice, Mr. Al-Shara' failed to mention in his lengthy speech: lack of cooperation that Commissioner Mehlis spelled out between the Syrian Foreign Ministry and the Commission on the subject of interviewing suspects. Commissioner Mehlis spells out the fact that, in June, he wrote to Mr. Al-Shara' requesting meetings and cooperation with regard to interviews — that is referred to in paragraph 32 of the report (*S/2005/662*). He then spells out further details. Finally, he says that the interviews were indeed conducted between 20 and 23 September — but at the Syrian Foreign Ministry. Paragraph 34 states that

> "Each interview was conducted in the presence of the Legal Adviser to the Syrian Foreign Affairs Ministry or another representative of the Foreign Ministry, one interpreter, two note takers and, at times, an additional person whose affiliation was not identified. At the end of the interview process, it was apparent that the interviewees had given uniform answers to questions. Many of those answers were contradicted by the weight of evidence collected by the Commission from a variety of other sources. The Commission has not had the opportunity to follow up on these interviews or pursue its investigation regarding a possible Syrian involvement in the crime."

The report then goes on to say, in paragraph 35,

> "The Commission has concluded that the Government of the Syrian Arab Republic's lack of substantive cooperation with the Commission has impeded the investigation and made it difficult to follow leads".

Just to be clear about this — and this is why I wholly reject any comparison between the position of the Governments of the United States, of Spain and of the United Kingdom and that of the Government of Syria — the independent commissioner concludes, in paragraph 124, that

> "There is probable cause to believe that the decision to assassinate former Prime Minister Rafik Hariri could not have been taken without the approval of top-ranked Syrian security officials".

If Mr. Al-Shara' is suggesting that what happened on 11 September 2001, 3 March 2004 and 7 July 2005 happened with the approval of the Governments of the United States, of Spain and of the United Kingdom, I think that he ought to say so. Otherwise, his comparison is entirely worthless. We could, indeed, talk about terrorism and the lack of full application of previous Security Council resolutions by Syria in respect of fighting terrorism — something that was mentioned in the Quartet conclusions just last week.

Like all of my colleagues, I look forward to full cooperation by the Government of Syria, in substance as well as in form, with the Mehlis Commission. But I have to say, after what I have heard, that I am not holding my breath.

The President: I give the floor to His Excellency Mr. Farouk Al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic, to make a further statement.

Mr. Al-Shara' (Syrian Arab Republic) (*spoke in Arabic*): I apologize for taking the floor for the second time. I do not want to enter into a controversy. However, I would like to elucidate some of the points made by Mr. Jack Straw.

My first point relates to the statement by Commissioner Mehlis. He almost agrees with us that these are hypotheses. However, as far as we know, we did not deny Commissioner Mehlis anything he wanted. Everything he requested was approved. After finishing his interviews with Syrians on 23 September, we asked him, "Do you need to come back?", and he said, "I may; I may not" — although he seemed to indicate that he would not return. Furthermore, some of the investigators accompanying Mr. Mehlis were amazed at the beauty of Syria and expressed the wish to return as tourists, which we welcomed. They said that they would pay their own hotel fees, and we said, "Fine". I do not want to go into further detail about that.

Secondly, we have condemned the attack of 11 September 2001 on dozens of occasions. I cannot think of a single lecture or event about the international situation or on peace in the Middle East or on politics in the region that has failed to condemn the events of 11 September 2001. Simply stated, we are paying the price for what was perpetrated by those terrorists. I will not go on at length about that. Those who stand accused are paying the price for the terrorist attacks, rather than the terrorists themselves. You know where certain people are, and they are still free from justice. Those being punished are those who have condemned 9/11.

Syria suffered from terrorism before many other States did; we have had to pay a very high price. I will not bore the Council at length with the history of the 1980s and the ugliness of the terrorist campaigns from which Syria suffered during that period. At that time, many States did not stand with us in the way that we have stood with the United States, the United Kingdom and Spain. As Mr. Straw is well aware, we sent many messages of condolence and sympathy and expressed our condemnation many times after the attacks on the London Underground in July. Despite all of the controversy and disputes, I even contacted Jack Straw by telephone on several occasion to express personally to him our indignation, condemnation and denunciation of those attacks. If I am wrong, perhaps he would be kind enough to tell me so.

Thirdly and finally, we want to uncover the truth — no more and no less — based on conclusive evidence. I think that we can all agree on that point. We want to uncover the truth about who assassinated Hariri, and to see conclusive evidence. We have no other objective. I am talking and acting in good faith. There is no bad faith, and I do not have a hidden agenda.

I would like to thank you, Mr. President, for having given me this opportunity to comment, and I apologize for having taken so long.

The President: There are no further speakers on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 1 p.m.

United Nations S/PV.5298

Security Council

Sixtieth year

Provisional

5298th meeting

Monday, 31 October 2005, 1 p.m.

New York

President:	Mr. Ungureanu	(Romania)
Members:	Algeria	Mr. Katti
	Argentina	Mr. D'Alotto
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Lancanilao
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Ms. Phee

Agenda

Threats to international peace and security caused by terrorist acts

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05-57926 (E)

The meeting was called to order at 1 p.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President: I should like to inform the Council that I have received a letter from the representative of India, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Malhotra (India) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council strongly condemns the series of bomb attacks that occurred in New Delhi, India, on 29 October 2005, causing numerous deaths and injuries, and expresses its deepest condolences to the victims of these heinous acts of terrorism and their families, and to the people and the Government of India.

"The Security Council stresses the importance of bringing the perpetrators, organizers, financiers and sponsors of these reprehensible acts of violence to justice, and urges all States, in accordance with their obligations under international law and resolutions 1373 (2001) and 1624 (2005), to cooperate actively with the Indian authorities in this regard.

"The Security Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

"The Security Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts.

"The Security Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2005/53.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

Before adjourning, I wish to take this opportunity to thank the ministers and representatives who have participated in today's meetings.

The meeting rose at 1.05 p.m.